

Attorney Docket No. 070274-0001

PATENT APPL. SER. NO. 10/801,320

REMARKS

In the Office Action dated December 28, 2004, the Examiner indicated that claims 10-19 and 21 were allowed. This indication of allowance was received with appreciation by the Applicant.

The Examiner further indicated that claims 3-5 and 7-9 are objected to, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 3 have been amended herewith to put it into independent form including all of the limitations of the base claim, that is, claim 1, and any intervening claims, in this case, just claim 2. Claims 4, 5, 7 and 8 depend, either directly or indirectly, from claim 3, and are therefore allowable for the same reasons as claim 3. Claim 9 has been amended to independent form, including all the limitations of claim 1. Such indication of allowability by the Examiner was received with appreciation by the Applicant.

Claims 1, 2, 6 and 20 stand rejected over the German patent to Hofmann, in view of the Dowdy's reference.

Claim 6 has been cancelled.

Claims 1 and 20 have now been amended to include reference to a stall rail as a part of the animal free stall arrangement, as described in the specification at pages 9 and 10. Claims 1 and 20 now make it clear that rotary arm and grooming members have a low profile, low enough to be able to groom the bedding underneath the stall rail. No new matter is added by this amendment, as support for this amendment can be found in the specification, at page 9, line 17, to page 10, line 8.

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The apparatus shown in the German Hofmann document is inapplicable to the present invention, as the Hofmann apparatus is intended to clean animal feed from a raised area into a lower area, such as a manger. See attached English language translation of the abstract, obtained from a Derwent database. The present invention, on the other hand, is specifically directed to the grooming of bedding in a stall, which is a quite different environment, having different requirements. Specifically, for instance, there is no advantage, in cleaning animal feed into a manger, that the resulting feed in the manger have any particular profile. To the contrary with respect to bedding, there is a definite advantage to have the bedding nearer the brisket board be higher than the bedding near the curb, as this profile is preferred by the animals, reducing their stress level and increasing their productivity.

Even if the Hofmann apparatus were applicable, it is made from a tire and rim with its axis in a vertical position, and would not therefore be usable in such an application as the present invention, because all of the parts and elements above the tire and rim would prevent any substantial grooming under the rails of the animal free stalls.

Further, as the Examiner evidently realizes, the Dowdy reference does not show a rotating arm with grooming members, as claimed in all claims of this application, but rather accomplishes the grooming using substantially different structure. Accordingly, claims 1 and 20 are now clearly allowable as amended.

Claim 2 depends from claim 1 and, even though not amended in this response, is allowable for the same reasons as set forth above with respect to claim 1.

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CONCLUSION

In view of the amendments and remarks presented herein, it is respectfully submitted that all remaining claims, that is, claims 1 through 5 and 7 through 21, are in condition for allowance and notice of allowance of the claims is respectfully requested. Applicant requests that the Examiner telephone the undersigned in the event a telephone discussion would be helpful in advancing the prosecution of the present application.

Respectfully submitted,

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